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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,116	09/18/2006	Motohiro Ikawa	046262-0143	9927
22428 7590 09/04/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER MONIKANG, GEORGE C				
ART UNIT		PAPER NUMBER		
2615				
MAIL DATE		DELIVERY MODE		
09/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,116

Applicant(s)

IKAWA, MOTOHIRO

Examiner

GEORGE C. MONIKANG

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/593,116.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 9/18/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bironas et al, US Patent 5,513,268.

Re Claim 13, Bironas et al discloses a sound-volume controlling method comprising: specifying an arbitrary first range of steps from a predetermined number of control steps through which a sound volume is to be varied at a first change rate (col. 6, line 56 through col. 7, line 7), the predetermined number of control steps corresponding to a predetermined output sound volume control range over which the sound volume may be varied (col. 6, line 56 through col. 7, line 7); changing the first change rate of the first range of steps to a second change rate lower than the first change rate and changing the first change rate of a second range of the predetermined number of control steps other than the first range of steps to a third change rate higher than the first change rate (col. 6, line 56 through col. 7, line 7); and controlling the sound volume over a range corresponding to the first range of steps based on the second change rate (col. 6, line 56 through col. 7, line 7).

Re Claim 14, Bironas et al discloses the sound-volume controlling method according to claim 13, wherein the changing includes changing the first change rate of a third range of the predetermined number of control steps other than the first and second ranges of control steps to the third change rate (col. 6, line 56 through col. 7, line 7).

Re Claim 15, Bironas et al discloses the sound-volume controlling method according to claim 13, wherein the changing includes changing the first change rate of a third range of the predetermined number of control steps other than the first and second ranges of control steps to a fourth change rate higher than the first change rate and different from the third change rate (col. 6, line 56 through col. 7, line 7).

Re Claim 16, Bironas et al discloses the sound-volume controlling method according to claim 13, wherein the specifying includes specifying all of the predetermined number of control steps (col. 6, line 56 through col. 7, line 7), and the changing includes changing the first change rate of all of the predetermined number of control steps to a fifth change rate lower than the first change rate (fig. 5; col. 6, line 56 through col. 7, line 7).

Claim 17 has been analyzed and rejected according to claim 13.

Re Claim 18, Bironas et al discloses the sound-volume controller according to claim 17, further comprising a storage unit that stores therein a pattern of a volume change amount per step as a volume control curve (fig. 5; col. 6, line 56 through col. 7, line 7), wherein the changing unit changes the volume change amount per step based on the volume control curve (fig. 5; col. 6, line 56 through col. 7, line 7).

Claims 19 & 21 have been analyzed and rejected according to claim 1.

Claim 20 has been analyzed and rejected according to claim 18.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/
Examiner, Art Unit 2615

9/2/2008

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615